

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, INC.,)
TEVA PHARMACEUTICAL INDUSTRIES LTD.,)
and NOVOPHARM, LTD.,)

Counterclaim Plaintiffs,)

v.)

ABBOTT LABORATORIES,)
FOURNIER INDUSTRIE ET SANTÉ, and)
LABORATOIRES FOURNIER S.A.,)

Counterclaim Defendants.)

C.A. No. 02-1512 (***)

CONSOLIDATED

IMPAX LABORATORIES, INC.,)

Counterclaim Plaintiff,)

v.)

ABBOTT LABORATORIES,)
FOURNIER INDUSTRIE ET SANTÉ, and)
LABORATOIRES FOURNIER S.A.,)

Counterclaim Defendants.)

C.A. No. 03-120 (***)

CONSOLIDATED

IN RE TRICOR DIRECT PURCHASER)
ANTITRUST LITIGATION)

C.A. No. 05-340 (***)

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

CONSOLIDATED

IN RE TRICOR INDIRECT PURCHASER)
ANTITRUST LITIGATION)

C.A. No. 05-360 (***)

THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

CONSOLIDATED

PROPOSED AMENDED SCHEDULING ORDER

This ____ day of February, 2007, the Court having conducted a teleconference on January 10, 2007 to address the schedule in these related actions,

IT IS ORDERED that the scheduling orders entered in these related actions (D.I. 390, C.A. No. 02-1512; D.I. 301, C.A. No. 03-120; D.I. 43, C.A. No. 05-340; D.I. 47, C.A. No. 05-360) are modified as follows:

1. Discovery.

a. Expert Testimony. Any party may file an opposing expert report to contradict or rebut evidence on the same subject matter identified by another party on or before April 16, 2007. Any party filing an initial expert report shall be entitled to file a reply report on or before June 1, 2007. Expert depositions shall be completed by August 8, 2007. The plaintiffs shall advise Abbott and Fournier by January 30, 2007 of available dates for the depositions of plaintiffs' experts. At the time of submitting their opposing expert reports, Abbott and Fournier shall advise the plaintiffs of available dates for the depositions of Abbott's and Fournier's experts.

To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than September 20, 2007. Any party wishing to file a reply brief in support of a *Daubert* motion may ask the Court at the time of briefing for permission to file a reply brief. Absent such permission, reply briefs shall not be filed in support of a *Daubert* motion.

2. Case Dispositive Motions. All case dispositive motions, and an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before

September 28, 2007. Answering briefs shall be served and filed by October 26, 2007 and reply briefs shall be served and filed by November 16, 2007.

3. The dates for the pretrial conference and trial are vacated. Paragraphs 12-15 of D.I. 390, C.A. No. 02-1512 and D.I. 301, C.A. No. 03-120 and paragraphs 13-16 of D.I. 43, C.A. No. 05-340 and D.I. 47, C.A. No. 05-360 are hereby vacated. The setting of new dates and provisions relevant to the pretrial order and trial will be addressed once a district court judge has been assigned to these actions.

4. The parties should continue to submit quarterly status reports.

UNITED STATES MAGISTRATE JUDGE

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